UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/NGO/6
5 March 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Pen, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 February 1996]

GE.96-10855 (E)

1. International PEN, the world association of writers, was outraged at the judicial execution of the writer Ken Saro-Wiwa in Nigeria in November 1995. The execution followed a trial before a special tribunal which was composed of three people chosen by the military Government. One of these was a military officer. The trial process was widely condemned by human rights groups and Governments around the world as deeply flawed. Some of the concerns included the fact that there was no right of appeal against the tribunal's decision and that two prosecution witnesses issued sworn affidavits that they were bribed to give evidence against the defendants. Saro-Wiwa was charged with inciting the murder of four people, although no firm evidence was produced in court to support this charge. International PEN is concerned that the real reason for his arrest was his outspoken campaigning on minority rights. The judicial killing of Saro-Wiwa represents a threat to all who speak out in Nigeria. Journalists covering the Saro-Wiwa case have been threatened. Some Port Harcourt correspondents were reported to be in hiding after the execution and armed soldiers were reportedly placed outside their homes.

2. The execution of Ken Saro-Wiwa is only one incident where a writer has been killed for the practice of his or her right to freedom of expression and association, as guaranteed under the Universal Declaration of Human Rights. Other Governments have also turned to capital punishment to silence dissent. In China, the publication of material deemed to be "pornographic" has led to executions. Most notably in early 1995 one person was executed for publishing pornography and another received a death sentence with a two-year stay of execution. At least one other person is awaiting execution on similar charges. Acts of "counter-revolution" can also carry the death penalty in China, although in recent years sentences have been restricted to long prison terms.

3. That capital punishment can be used against those convicted of "blasphemy" in Pakistan has recently been the subject of international condemnation. Writers and journalists are among those standing trial and could be subject to mandatory execution for their writings.

4. The majority of killings of writers are extrajudicial. International PEN records at least 40 murders during 1995 for which, in most cases, no person has been brought to prosecution. There are indications in many of these cases that the killings may have been carried out with some official complicity. The lack of investigation and apparent unwillingness to bring to court those suspected of involvement in the killings leads PEN to conclude that the perpetrators of these crimes are being provided with impunity. Disappearances are another means of covering up the fate of those whose writings may have offended government, local and national.

5. In Turkey, two journalists have died in suspicious circumstances since August 1995, after being taken into police custody. There are concerns that there was security force involvement in their deaths. The concerns are heightened by reports of the widespread use of torture in Turkish detention centres, particularly in the south-east where detainees can be held for up to 30 days before being brought before a judge. Four other journalists have disappeared in Turkey and are feared dead. Many others have been threatened

with death. Six "Ozgur Gundem" journalists have been murdered in the last four years. Its journalists have been detained on a regular basis and in December 1994 bombs exploded at three of its offices in Ankara and Istanbul.

6. To PEN's knowledge, few of the recent cases of writers who have been murdered, disappeared or died in suspicious circumstances have been thoroughly investigated and those responsible prosecuted. International PEN is concerned that impunity leads to the escalation of violence.

7. International PEN has concluded that legislation in Turkey, such as the Anti-Terror Law, increases the threats against writers and journalists. Despite an amendment to one of the law's articles in October 1995, the vaguely-worded Anti-Terror Law continues to be used to imprison many writers and journalists who comment on the Kurdish issue. International PEN is concerned that, by labelling writers as "terrorists" or "militants" solely for the peaceful exercise of their profession, the Government encourages those responsible for their deaths.

8. Impunity is an issue of great concern in countries in Latin America. In Guatemala, the assassinations of two writers in the last six years have become test cases against impunity. In both cases those investigating the murders, which are reported to be linked to the security forces, have been threatened or attacked. In each case, one investigator was killed. The families of both writers have taken on the task of pushing the Government to open full investigations into the cases. In one case, the family has tried to bring military officers alleged to have ordered the murder to trial. The judiciary has said a case will be opened, but the Ministry of Defence has obtained a ruling that three of the officers will be tried before a military tribunal. It is feared that this will result in either acquittal or light sentences.

9. In India there are concerns that journalists who disappeared in recent years in Punjab may have been killed because of their writings, supposedly supporting secession. Investigations into the disappearances have been few, and there is an apparent lack of serious commitment towards resolving their families' concerns about the victims' fates. International concern has been met with apparent indifference and lack of commitment to resolve the issue from government and courts alike. Leading police officers implicated in the disappearances appear to feel that they can act with impunity.

10. International PEN applauds the work of the Special Rapporteur on extra judicial executions, Mr. Ndiaye, who raised these concerns in his report to the Commission on Human Rights at its fifty-first session last year (E/CN.4/1995/61). It urges the Special Rapporteur to continue to impress upon Governments their obligations under the Universal Declaration of Human Rights to protect their citizens against attack, and indeed acts of murder, solely for the practice of their rights to freedom of expression and association.

- - - - -